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MAR 02 2007

PATENT
YOR919980308

#15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 12 2007

OFFICE OF PETITIONS

In Re Application of : Hedrick, et al.
Serial Number : 09/129,737
Filing Date : August 5, 1998
Examiner : Shewaregard, B.
Group Art Unit : 1774
For : CHEMICALLY AND
OPTICALLY STABLE
CARBON FILMS

TO: The Honorable Commissioner
Of Patents and Trademarks
Post Office Box 1450
Alexandria, VA 22313-1450

RESUBMISSION OF PETITION

Sir/Madam:

Applicants hereby resubmit the attached PETITION for consideration by the Petitions Branch of the United States Patent and Trademark Office. This petition was submitted on 02/09/2005 and no action thereon was ever received. A cover of the "Auto Reply Facsimile Transmission" is attached to substantiate that the papers were filed. An administrator in the Petitions Branch stated that, according to the records in that office, the submission was never received.

The authorization to charge is found in the PETITION as originally filed and is hereby reaffirmed.

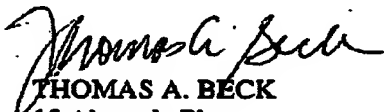
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Please address all future correspondence on this matter to the undersigned at 15 Alameda Place, Mount Vernon, NY 10552.

Respectfully Submitted,



THOMAS A. BECK
15 Alameda Place
Mount Vernon, NY 10552
(860) 921-1358

I hereby certify that this submission is being telefaxed via telefacsimile to (571) 273-8300 on the date indicated below addressed to Commissioner of Patents & Trademarks, Post Office Box 1450, Alexandria, VA 22313-1450



Date: March 1, 2007

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PATENT
YOR919980308US1IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

PETITION

This petition is filed pursuant to 37 CFR 137 to revive the above-identified application, which Applicants' attorney has been advised has been abandoned for failure to pay the issue fee.

Applicants attorney received a telephone call from the Intellectual Property Group of Assignee asking for a status check on the above-identified application as a part of their on-going file management system. Applicants' attorney checked his files and found that the most recent paper in the file is dated December 19, 2000, and the most recent activity in the prosecution of this case was Applicants' filing of three figures comprising the formal drawings in the case. There are no other later-received papers present in the file.

Applicants attorney then contacted Examiner Betelhem Shewareged, the Examiner responsible for this application on February 8, 2005 and she advised Applicants' attorney that the case had been abandoned for failure to pay the final fee.

Applicants' Attorney, the undersigned, has received no such notice of abandonment, but is promptly filing this petition the same day he was advised that the application was abandoned.

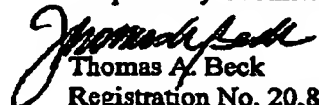
Thomas A. Beck, the undersigned declares as follows in support of this petition:

1. I am attorney of record in the above-identified application and have received other papers from the United States Patent and Trademark Office at the address listed below. I did have a prior address of record of 15 Alameda Place, Mount Vernon, NY 10552 in the United States Patent and Trademark Office until a change of address paper was filed on December 1, 2000.
2. I telephoned Examiner Betelhem Shewareged, the Examiner responsible for this application in the United States Patent and Trademark Office on February 8, 2005, and she advised me that the case had been abandoned for failure to pay the final fee.
3. Immediately after the receipt of the allegation of abandonment from the Examiner, I checked my file-wrapper and found a communication from the United States Patent and Trademark Office which contained a transmittal cover sheet which appears to be a "carbon copy" (not a photocopy), a "Notice of Allowability" and an Examiner's amendment.
4. The "Notice of Allowability" form (PTO-37) that is present in the file states in the first paragraph thereof:
All claims being allowable, PROSECUTION ON THE MERITS is closed in this application. If not included herewith, (or previously mailed), a NOTICE OF ALLOWANCE and ISSUE FEE DUE or other appropriate communication will be mailed in due course.
The Notice of Allowability also stated that new formal drawings must be submitted that comply with the requirements set forth by the Patent Draftsman.
5. A set of formal drawings was sent to the United States Patent and Trademark Office on December 22, 2000 and was received by the United States Patent and Trademark Office on December 28, 2000.
6. The filing of the formal drawings is the last activity that I have a record of in my files with respect to the instant application. I have a recollection of this case because the claims were finally rejected and I had to file a supplemental amendment which, to my surprise, resulted in the allowance of the claims.
7. I unequivocally declare that I never received the papers comprising PTOL Form 85B, the Issue Fee transmittal form.
8. I further unequivocally declare that I never received the papers comprising a Notice of Abandonment.
9. It was my state of mind at the time I received the Notice of Allowability based upon similar experience with Patent Office practice, that because there were formal drawings needed, and these formal drawings had to be approved by the Examiner as well as the Patent Draftsman, the specific papers relating to payment of the issue fee would be forth-coming after Applicants' formal drawings were received and approved. Thus it did not seem strange to me that the papers associated with the payment of the Issue Fee were not included with the Notice of Allowability.

10. It is my practice immediately upon receipt of a paper from the United States Patent and Trademark Office that requires a timely response, to enter the docket number and the specific action required in the appropriate monthly calendar sheet.
11. I have no knowledge when the Issue Fee Transmittal form PTOL85B was mailed (or would have been mailed out to me) so I do not have a date when that fee was or would have been due and payable. If it were mailed in December 2000, it would have been payable in the month of March 2001; and, if it were mailed in January 2001, it would have been payable in the month of April 2001.
12. My docket number for the instant application is IBM-156. I enclose a copy of my calendar sheets for the months of March and April to corroborate that no such docket number is found on the enclosed sheets.
13. I also declare that I never received a Notice of Abandonment (if one was issued) from the United States Patent and Trademark Office with respect to the above-identified application.
14. The Commissioner is requested: to revive the above-identified application by withdrawing the holding of abandonment in the instant application (if issued); issue a Notice of Allowance and Fees Due form PTOL85B and charge any fees due in this matter to Deposit Account 50-0510.

FURTHER THE DECLARANT SAYETH NOT

Respectfully Submitted,


Thomas A. Beck
Registration No. 20,816
26 Rock Ledge Lane
New Milford, CT 06776
Telephone (860) 354-0892

I hereby certify that this paper is being telefaxed on the date indicated below to (703) 872-9306, addressed to Commissioner of Patents & Trademarks, Post Office Box 1450, Alexandria, VA 22313-1450

Signature: 

Name: Thomas A. Beck

Date: February 8, 2005

Day	Thursday	Friday	Saturday
	1 060/306	2 081/304	3
068/280	8 067/288	9 09/073,019 TBM 102 DUE MONTN EXTENSION	10 088/287
073/282	15 074/284 DEPART FOR London	16 075/280	17 St. Pat
088/285	22 08/115, 422 TBM 198 DUE FINAL - RETURN FROM LONDON	23 082/283	24
087/276	29 088/277	30 089/276	31
56 DUE 08/115, 406 08			

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	9 09/09/09 TBM 202 DUE 1 MONTH EXTENSION	10
07/4/06	07/6/06	07/8/06
DEPART FOR London	16	17 St. Patrick's Day (Ireland, US)
08/1/06	08/2/06	08/3/06
08/1/06, 422 TBM 198 DUE FINAL - TURN FROM LONDON	23	24
08/2/06	08/2/06	08/2/06
	30	31

4	5	6 02/112, 573 IBM 130 DUE FEEER IBM 183 DUE ANGELOPOLIS 02/208, 528
11	12	13
18 IBM/06B DUE FINAL	19 Canberra Day (Australia)	20 IBM 31 Bonds card due for filing
25 Mothering Sunday (United Kingdom)	26 08/637, 589 IBM 127 DUE	27

January	February	April	May	June
SMTWTFS	SMTWTFS	SMTWTFS	SMTWTFS	SMT
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				TBM 202 DUE
				11/01/14 ERT
07/298	14	07/298	15	07/291
			DEPART FOR	16
			London	
07/291	21	03/295	22	03/294
			03/115, 422	
			TBM 198 DUE	23
			FINAL -	
			RETURN FROM London	
03/295	28	03/276	29	03/277
	03/246,056			
	TBM 163 DUE			30
	FINAL			
	TBM 216 DUE			
	ALLOWABLE			
	JANUARY 16P			

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1 2 3 4 5 6 7 8 9 10 11 12	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

January		February		March		May	
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25	26	27	28	29	30	9	10
31						11	12

PAGE 11/16 * RCVD AT 3/2/2007 6:09:51 PM (Eastern Standard Time) * SVR:USPTO-EFXXF-3/21 * DNB:2738300 * CSID:1 914.664.3645 * DURATION (mm-ss):08-52

PAGE 12/16 * RCVD AT 3/2/2007 6:09:51 PM [Eastern Standard Time] * BYR:USPTO-EFXRF-3/21 * DNI8:2738300 * CBID:1 914 664 3645 * DURATION (mm:ss):05:52

Day	Wednesday	Thursday	Friday	Saturday
15, 160 04 DUE TUE	4 10/25/06	5 10/26/06	6 10/27/06 10/28/06 10/29/06 10/30/06 10/31/06	7 10/31/06 11/01/06 11/02/06 11/03/06 11/04/06 11/05/06 11/06/06 11/07/06 11/08/06 11/09/06 11/10/06 11/11/06 11/12/06 11/13/06 11/14/06 11/15/06 11/16/06 11/17/06 11/18/06 11/19/06 11/20/06 11/21/06 11/22/06 11/23/06 11/24/06 11/25/06 11/26/06 11/27/06 11/28/06 11/29/06 11/30/06
164, 729 11 158 DUE LEADS OFFICE ACTUAL	11 10/28/06	12 10/29/06	13 10/30/06 Good Friday	14 10/31/06
164, 729 11 158 DUE LEADS OFFICE ACTUAL	18 10/30/06 10/31/06 11/01/06 11/02/06 11/03/06 11/04/06 11/05/06 11/06/06 11/07/06 11/08/06 11/09/06 11/10/06 11/11/06 11/12/06 11/13/06 11/14/06 11/15/06 11/16/06 11/17/06 11/18/06 11/19/06 11/20/06 11/21/06 11/22/06 11/23/06 11/24/06 11/25/06 11/26/06 11/27/06 11/28/06 11/29/06 11/30/06	19 10/31/06	20 11/01/06	21 11/02/06

PAGE 14/18 * RCVD AT 3/2/2007 6:09:51 PM (Eastern Standard Time) * SVR:USPTO-EFXXF-3/21 * DNIS:2738300 * CSID:1 914 664 3645 * DURATION (mm-ss):06-52

From: Donna N Dillenberger
To: tombeck.atty@mindspring.com
Date: 2/18/2007 8:14:49 AM
Subject: Re: YOR920000359US2

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With respect to the Action Office's Claim Rejections 3 to 9 starting on page 5 of the 2nd PDF below.

1) The difference between Unger's patent (6,275,985) and ours is that our application does not require

- Proxy objects
- Two Compiler passes to (1) create proxy objects and then (2) Create stack maps

Unger's Patent in Figure 7: requires traversing the proxy area (left column below) in the first compile pass and in the 2nd compile pass, creating a stack map and traversing each frame in the stack map (right column below).

**LOOK IN PROXY AREA FROM START TO
FREE POINTER, IF WORD POINTS INSIDE
APPLICATION HEAP AND IT IS NOT ON
FREE LIST, RETURN ADDRESS OF WORD**

**TRAVERSE STACK, FOR EACH FRAME
TRAVERSE STACK MAP AND RETURN
LOCATIONS OF POINTERS**

Our invention does not require a proxy area or a stack map nor double compile passes. Pointers do not have to be checked nor frames traversed. Garbage collection for our transient heap involves zeroing the entire transient heap. No double compile passes are required.

With respect to the Action Office's Claim Rejections 10 to 13 starting on the bottom of page 9 of the 2nd PDF below.

1) The difference between Printzel's patent (6,249,793) and ours is that our application does not require

- Reserve Copy locations
- Write Barriers
- That the program be suspended during garbage collection

All above required points are depicted in Figure 9 of above patent.

With respect to the Action Office's Claim Rejections 14 to 13 starting on page 11 of the 2nd PDF below.

1) The difference between Van Hoff's patent (5,950,008) and ours is that:

- Van Hoff's invention describes the use of class loaders to fetch object classes (figures 5,6 in patent).

Our patent is concerned with serially reusing the same JVM. We do not claim a new method of creating class loaders.

Donna
914 784 7108